

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

Business Lenders, LLC, )  
                            )  
Plaintiff,             )  
                            )  
v.                         )                           Civil No. 05-50-B-C  
                            )  
Gazak, LLC, et al,     )  
                            )  
Defendants.            )

**ORDER AFFIRMING AND ADOPTING THE MAGISTRATE  
JUDGE'S RECOMMENDED DECISION ON PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT**

After full *de novo* review, the Magistrate Judge's Recommended Decision on Plaintiff's Motion for Summary Judgment (Docket Item No. 29) is hereby **ACCEPTED**, **AFFIRMED**, and **ADOPTED** as the judgment of this Court, and it is hereby **ORDERED** that the Plaintiff's Motion for Summary Judgment (Docket Item No. 26) be, and it is hereby, **GRANTED** and that judgment be, and it is hereby, **ENTERED** against Defendant, Ritanne Cavanaugh Gazak, on Count I, for foreclosure of the subject mortgage.

It is **FURTHER ORDERED** that judgment be **ENTERED** against each of the Defendants, Ritanne Cavanaugh Gazak, [on Count IV] and Defendant, Dr. Stephen J. Gazak, [on Count III] in the amount of Seventy-seven Thousand Seven Hundred Eighty-five and 38/100ths Dollars (\$77,785.38) plus costs as determined by law and interest to accrue thereon at the rate of Twelve and 69/100ths Dollars (\$12.69) per diem in accordance with the terms of the subject Promissory Note.

It is **FURTHER ORDERED** that Count II of the Complaint against Defendant, Gazak, LLC, be, and it is hereby, **DISMISSED**.

It is **FURTHER ORDERED** that Plaintiff file on or before March 1, 2006 a proposed form Order of Foreclosure and Sale concerning the subject property for approval and entry by the Court.

Any award of counsel fees to Plaintiff's counsel pursuant to the terms of the Recommended Decision shall be adjudicated in due course on a timely filed Motion therefor pursuant to Local Rule 54.2.

/s/Gene Carter  
GENE CARTER  
Senior District Court Judge

Dated at Portland, Maine this 17th day of February, 2006.